

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

United States of America)

v.)

Jan Jay Moolenijzer)
year of birth 1951)

Case No.)

18-MJ-2899)

SEP 06 2018

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2001 and 2003 in the county of Cibola in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

Title 18 §1152

Laws governing

Title 18 §2241(c)

Aggravated sexual abuse with children (against John Doe 1)

Title 18 §2246(2)(B) and 2246(2)(D)

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

W. Monty Waldron, Special Agent FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

9-6-18

City and state:

Farmington, NM



Judge's signature

B. Paul Briones, US Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT

I, W. Monty Waldron, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is made in support of a Criminal Complaint and an application for an Arrest Warrant for JAN JAY MOOLENIJZER, a non-tribal member, year of birth 1951.

2. I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation (FBI) and have been employed as such since 2007. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency. I have primary investigative responsibility for investigating crimes that occur in Indian Country, including violent crimes such as homicide, robbery, arson, aggravated assault, and sexual assault. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

3. This affidavit is based upon knowledge and information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly participated in this investigation, and with whom your affiant has had regular contact regarding this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

4. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of United States Code Title 18 §§1152 – Laws governing,

2241(c) – Aggravated sexual abuse with children, and 2246(2)(B) and 2246(2)(D) were committed by MOOLENIJZER.

5. Because this affidavit is submitted for the limited purpose of securing authorization for a Criminal Complaint and Arrest Warrant, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested warrant.

PROBABLE CAUSE

6. On May 17, 2018, the Gallup FBI office received a referral from the Ramah Navajo Police Department regarding the alleged sexual abuse of W.Y. (hereinafter referred to as John Doe 1), year of birth 1995, by JAN JAY MOOLENIJZER, year of birth 1951. Additional investigation revealed that L.Y. (hereinafter referred to as John Doe 2), year of birth 1973, and M.G. (hereinafter referred to as John Doe 3), year of birth 1974, were also sexually abused by MOOLENIJZER.

7. On June 12, 2018, John Doe 1, was interviewed at the Albuquerque FBI office. During the interview, John Doe 1 disclosed that while John Doe 1 was six years old, John Doe 1 was with MOOLENIJZER inside MOOLENIJZER's home. MOOLENIJZER took off John Doe 1's pants and touched John Doe 1's bare penis with his hand. MOOLENIJZER then put John Doe 1's penis into his mouth.

8. MOOLENIJZER's home was located within the exterior boundaries of the Ramah Navajo reservation.

9. John Doe 1 also disclosed that while John Doe 1 was eight years old, John Doe 1 and his family celebrated the July 4th holiday at Sky City Casino Hotel with MOOLENIJZER. After swimming, John Doe 1 and MOOLENIJZER went to the hotel room. While John Doe 1 was

changing, MOOLENIJZER touched John Doe 1's bare penis with his hand. MOOLENIJZER then put John Doe 1's penis into his mouth.

10. Sky City Casino Hotel is located within the exterior boundaries of the Pueblo of Acoma reservation.

11. On July 30, 2018, John Doe 2 was interviewed by FBI agents. During the interview, John Doe 2 disclosed that when John Doe 2 was in the 4th grade, MOOLENIJZER started a Boy Scouts troop. John Doe 2 and some of his friends joined the troop. MOOLENIJZER told John Doe 2 to ask his parents if John Doe 2 could stay with MOOLENIJZER on the weekends. While John Doe 2 was inside MOOLENIJZER's trailer, MOOLENIJZER asked John Doe 2 to lay down next to him. MOOLENIJZER touched John Doe 2's bare penis with his hand. MOOLENIJZER then grabbed John Doe 2's hand and made John Doe 2 touch MOOLENIJZER's bare penis. John Doe 2 told MOOLENIJZER to stop. MOOLENIJZER told John Doe 2 that no teacher would believe him if John Doe 2 told them what happened.

12. MOOLENIJZER's home was located within the exterior boundaries of the Ramah Navajo reservation.

13. On August 29, 2018, John Doe 3 was interviewed by FBI agents. During the interview, John Doe 3 disclosed that when John Doe 3 was in the 6th grade, John Doe 3 joined a Boy Scouts troop. MOOLENIJZER was the scoutmaster. During the 6th grade, John Doe 3 was alone with MOOLENIJZER inside of his home. MOOLENIJZER touched John Doe 3's bare penis. While MOOLENIJZER and John Doe 3 were both unclothed, MOOLENIJZER made John Doe 3 "jack him off." MOOLENIJZER then "jacked off" John Doe 3.

JURISDICTIONAL STATEMENT

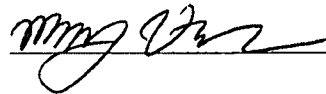
14. The offenses detailed in this affidavit were committed within the exterior boundaries of the Ramah Navajo reservation and Pueblo of Acoma reservation.

15. John Doe 1, John Doe 2, and John Doe 3 are enrolled members of the Ramah Navajo Nation.

CONCLUSION

16. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of United States Code Title 18 §§1152 – Laws governing, 2241(c) – Aggravated sexual abuse with children, and 2246(2)(B) and 2246(2)(D) were committed by MOOLENIJZER.

Supervisory Assistant United States Attorney Kyle T. Nayback reviewed and approved this affidavit and complaint.



W. Monty Waldron
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me this 6 day of September 2018



B. Paul Briones
United States Magistrate Judge